

REMARKS

The Supplementing Amendment submitted February 7, 2005, in the above-identified application, is noted. This Supplementing Amendment amended claim 27, to correct a typographical error therein, and added new claims 58-69 to the application. The Office Action mailed March 3, 2005, is silent with respect to this Supplementing Amendment filed February 7, 2005. To facilitate proceedings in connection with the above-identified application, such Supplementing Amendment has been treated herein as not entered. See 37 CFR 1.111(a)(2).

By the present amendments, Applicants are amending claim 27 consistent with the prior amendment thereof in the aforementioned Supplementing Amendment filed February 7, 2005, to correct a typographical error in claim 27; and are adding new claim 70 to the application. Claim 70 recites that a thickness of the thermally oxidized film of the first gate insulating film is thinner than that of the thermally oxidized film of the second gate insulating film. Note, for example, page 20 of Applicants' specification.

Applicants respectfully traverse the obviousness-type double patenting rejection of their claims 1-4, 56 and 57, over claims 1-31 of U.S. Patent No. 6,646,313. As will be shown in the following, it is respectfully submitted that the claimed subject matter in No. 6,646,313 would have neither taught nor would have suggested such a semiconductor device as in the present claims, having the first and second MISFETs respectively with first and second gate insulating films, the second gate insulating film being thinner than the first gate insulating film, and including wherein the first gate insulating film includes a thermally oxidized film and a deposited film formed over the thermally oxidized film and having a thickness greater than that of the thermally oxidized film. See claim 1.

Moreover, it is respectfully submitted that the subject matter claimed in No. 6,646,313 would have neither taught nor would have suggested the other features of the present invention as in the claims being considered on the merits in the above-identified application, set forth in claims 2-4, 56, 57 and presently submitted claim 70.

By providing the relative thicknesses of the thermally oxidized film and deposited film formed over the thermally oxidized film, as in the present claims, a (disadvantageous) step can be avoided at the element isolation region, while devices with different threshold voltages can be effectively provided on a same substrate.

U.S. Patent No. 6,646,313 claims a semiconductor integrated circuit device having first and second MISFETs, with the gate insulating film of the first MISFET including a thermally oxidized film and a deposited film, and the gate insulating film of the second MISFET including a thermally oxidized film. However, it is respectfully submitted that the claims of No. 6,646,313 would have neither taught nor would have suggested such a semiconductor device as in the present claims, wherein the first gate insulating film includes a thermally oxidized film and a deposited film over the thermally oxidized film, and having a thickness greater than that of the thermally oxidized film. Compare claims being considered on the merits in the present application, especially with claim 7, claim 10 and claim 20 of No. 6,646,313.

In view of the foregoing, reconsideration and allowance of all claims being considered on the merits in the above-identified application are respectfully requested.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Docket No. 501.36694CV4), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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